

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 15, 1951.
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Drake, the motion was unanimously adopted by the Council and the minutes so approved.

The City Manager reported that before the amendment to the Pension and Retirement Ordinance was brought up for second reading, that he would like to have the Pension Committee go over it in a body and submit a recommendation. The Council granted this request, and no action was taken on the amendment at this meeting.

The City Attorney discussed an ordinance he had prepared amending an ordinance regulating keeping horses and cows, etc., in the City limits. He said there were some regulations in the Zoning Ordinance which he felt were health and sanitation problems and were being handled by that Department through their inspection work; and this proposed ordinance would give the Health Department specific directions in this particular. This ordinance also includes regulations about keeping small animals and chickens, etc. The Council asked the City Attorney to supply each member with a copy of this ordinance before the next meeting, and before the ordinance was introduced.

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING THE OPERATION AND EXHIBITION OF CIRCUSES, WILD WEST SHOWS, THEATRICAL AND DRAMATIC PERFORMANCES, MEDICINE SHOWS, VAUDEVILLE SHOWS, MINSTREL SHOWS MOVING PICTURE SHOWS, SKATING RINKS, CARNIVALS, MERRY-GO-ROUNDS, FERRIS WHEELS, WHIPS, SKY RIDES, HOBBY HORSES, FLYING JENNIES, BAT-A-BALLS, TILT-A-WHIRLS, PONY RIDES, KIDDY TRAINS, OR OTHER RIDING OR SKILL DEVICES OF SUCH CHARACTER, WITH OR WITHOUT NAME, AND AMUSEMENT PARKS, CONDUCTED UNDER A TENT, AWNING, CANOPY, ENCLOSURE, OR WITHIN A TEMPORARY STRUCTURE, OR OUTSIDE OF A BUILDING, OR IN THE OPEN AIR, WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; DEFINING CERTAIN WORDS AND PHRASES; PRESCRIBING SPECIAL REGULATIONS FOR AMUSEMENT PARKS; PRESCRIBING PERMITS FOR EVERY SUCH EXHIBITION OR OPERATION AND PRESCRIBING PERMIT FEES FOR AMUSEMENT PARKS; PROVIDING FOR THE REVOCATION OR SUSPENSION OF LICENSES OR PERMITS; PRESCRIBING PENALTIES; REPEALING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL SEPTEMBER 20, 1934, AND RECORDED IN BOOK "J", PAGES 619-620, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, BUT MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES WHERE NOT IN CONFLICT OR INCONSISTENT THEREWITH; PROVIDING A SAVING CLAUSE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL APRIL 23, 1942, AND IS RECORDED IN BOOK "L", PAGES 244-247, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, SO AS TO PROVIDE IN SECTION 1, SUB-PARAGRAPH (a) THAT CIRCUSES AND WILD WEST SHOWS WITHIN TEMPORARY STRUCTURE MAY PLAY TWO (2) DAYS AND NIGHTS IN ANY ONE YEAR; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time, and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a utility easement five (5) feet in width along a certain lot line was reserved and dedicated to the public on the map or plat of Skyview, Section 1, a subdivision of a portion of the James P. Wallace Survey within the City of Austin, Travis County, Texas; and

WHEREAS, the portion of such easement hereinafter described is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the portions of such easement as follows:

The east five (5) feet of the north 113.16 feet of Lot 21, in Skyview Section 1, a subdivision of the James P. Wallace Survey within the City of Austin, Travis County, Texas, according to the map or plat of said subdivision of record in Book 5, page 111 of the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON ALL OF ORIGINAL LOTS 2, 9, AND 10, BLOCK 1, OUTLOT 35, DIVISION "B", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacGorkle, Mayor Glass
Noes: None

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacGorkle, Mayor Glass
Noes: None

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacGorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduit in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduit in the following streets:

- (1) An underground telephone conduit in CHICON STREET
across East 5th Street intersection from a point 24 feet west of the centerline of Chicon Street and 28 feet north of the centerline of the Texas and New Orleans Railroad main line, southerly 44 feet to a point 23 feet west of the centerline of said CHICON STREET.

THAT the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduit has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
 Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on March 9, 1951, bids were received by the City of Austin for the construction of miscellaneous storm sewers located in the following streets:

Pennsylvania Avenue and Leona Street - from
 Chicon Street to New York Avenue
 East 3rd Street, San Saba Street and East
 4th Street - from Pedernales Street to
 Pleasant Valley Road
 Ellingson Lane, Bennett Avenue, East 44th
 Street, Harmon Avenue and East 43rd
 Street - from Red River Street to
 East Avenue
 East 13th Street and Chicon Street - from
 Poquito Street to East 17th Street
 North Loop Boulevard - from Lamar Boulevard
 to west of Chesterfield Avenue
 Houston Street - from Burnet Road to Hancock
 Branch
 Koenig Lane - from Laird Drive to Arroyo Seca
 Kenwood Avenue - from south of Bonham Terrace
 to Riverside Drive

such bids being as follows:

Collins Construction Co.	\$ 95,345.86
W. S. Conner	115,217.50
Karl Wagner	117,136.60
R.W. Smith Construction Co.	124,904.00
S. B. Ricks	131,792.40
Earl Rogers	133,925.44
Joe Bland Construction Co.	138,771.00
Brown & Root, Inc.	155,275.00

and

WHEREAS, the bid of Collins Construction Company in the sum of \$95,345.86 was the lowest and best bid, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Collins Construction Company be and the same is hereby accepted, and W. E. Seaholm, City Manager, is authorized and directed to execute a contract with Collins Construction Company for the construction of these storm sewers on the basis of their bid of \$95,345.86.

The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Emmet R. Schieffer and wife, Jarrette Schieffer, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (Filed under WATER MAIN EXTENSION, 1951) (Also in Contract File No. 495-C).

The motion, seconded by Councilman Drake, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Mayor Glass introduced the following ordinance:

AN ORDINANCE CREATING THE PARKS AND RECREATION BOARD,
DEFINING ITS MEMBERSHIP, PURPOSES AND FUNCTIONS;
REPEALING A CERTAIN ORDINANCE ON THE SAME SUBJECT
PASSED FEBRUARY 8, 1934; MAKING THIS ORDINANCE
EFFECTIVE APRIL 1, 1951; AND SUSPENDING THE RULE
REQUIRING THE READING OF ORDINANCES ON THREE
SEPARATE DAYS.

The ordinance was read the first time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time, and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Lynndale, Section 2," approved by the City Plan Commission of the City of Austin on January 11, 1951, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman MacCorkle made inquiry about obtaining a list of individuals to whom city cars had been assigned. The City Manager reported that this list was to have been available at this meeting; but that it would be sent out during the next few days.

The application of MRS. MAY LaPRELLE PRICE for change of zoning of the property located at the 2300 block of College Avenue from "B" Residence to "C" Commercial was again brought up for continued hearing. MR. HERMAN JONES, representing the applicant stated that since the hearing last week, he had contacted the proposed purchasers, and they indicated they would have adequate space for development of the property if the zoning were extended as far west as the extension of the east boundary line of Lindell Avenue, that being 270 feet deep from College, leaving 325 feet west of that line; and that he would like to have that 270 feet considered for "C" Commercial, and the remaining 325 feet changed back to "A" Residence. Opposition was again expressed by MRS. FRANK JENNER, MRS. LAUDERDALE, 2208 Euclid; MR. C. C. LINSComb; MRS. PAUL BOWMAN, MRS. WELDON COVINGTON; MR. PAGE, 2205 Euclid; MRS. WILLIAM J. PARK, 2207 Euclid; J. B. WILLIAMS, CLYDE HILL, MRS. DURDEN, 2205 Forrest Lane; MR. HAMMER, 2209 Lindell, and others. MR. HERMAN JONES withdrew the application entirely and stated his intent to submit two applications for change of zoning as indicated above.

The application of LOUIS D. KUBECKA for change of zoning of his property located at 2324-2332 East Avenue from "B" Residence to "C" Commercial was brought up for continued hearing. The only part under consideration at this meeting, however, was the East half of Block 47 and the balance of Block 46. MR. KUBECKA showed plans which he proposed to use for this property; one being a tourist court on the front part of the property, and a large apartment unit on the rear part, which was already zoned "B"; or to use the entire tract for an 100 apartment unit with on-the-street parking. He stated there would be more congestion in the street, than if this were used for a Commercial place with parking on the rear part of the property. MR. TRENCKMAN, representing the opposition, stated the opposition would rather the property remain "B" Residence". There was a discussion on using the rear part of the property for parking; but the City

Attorney again stated that it could not be used as an assessor's purpose without being changed to Commercial along with the rest of the property; and if he did use it as an assessor's to the commercial use, the City would have to file charges. MR. TRENCKMAN asked that if the rear half of the property were not changed, that Mr. Kubecka please not ask for a change of zoning at a later date, as these people in the neighborhood were entitled to some security as to their property and they had been up before the Zoning Board and Council so much, that they would like to know that this would be the end. Councilman Long moved that the East one-half of Block 47 and the balance of Block 46 be changed from "B" Residence to "C" Commercial, and that the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager presented a matter regarding the Airport situation, stating he would like to have the authority to buy a certain strip north of the Airport, about 500 feet deep from the north limit of the Airport to 51st Street. He stated a subdivider was anxious to start developing his property; and with the height restriction, development should not be started. He stated it had been recommended that the City acquire all the property on to 51st Street; but at this time, he wanted authority to purchase this particular tract from CAPTAIN E. J. WILCOX who is being ordered to Korea, and wanted something definite done about his subdivision. Councilman Drake moved that the City Manager be instructed to negotiate for this property. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager submitted the fact that the City should acquire some additional land near the Hospital for the future expansion of the Hospital and for present parking space; that this would come out of Hospital Bond money. When the Interregional Highway is completed, there will be no parking facilities, and more land will have to be acquired, and the only way the City can go is to go west in order to provide parking and take care of expansion of the hospital. Land prices were going up all the time, and he recommended the purchase of this property now. Councilman MacCorkle moved that the City Manager be instructed to proceed and see what this land can be obtained for and start negotiations. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager stated that Mr. George Sandlin, Chairman of the Planning Commission, wanted a meeting with the Planning Commission and the Council to discuss the Annexation Bill which is now before the Legislature, and to perhaps pass a resolution to submit to the Legislature urging that this bill NOT pass. The Council set 4:00 P.M., Friday, March 16, 1951, for this hearing.

The Council received a report from the City Manager that the following applications for change of zoning had been referred to the Zoning Board of Adjustment:

F. M. DEL CURTO (John Francis, Agt.)	2304-06 South Lamar	From "C" Commercial To "C-1" Commercial
MRS. MAY LePRELLE PRICE	(a) W. portion of 5.52 acre tract abutting 430' on Euclid and 325' on Oltorf	From "B" Residence To "A" Residence
	(b) E. portion of the tract abutting 430' on College and 270' on Oltorf	From "B" Residence To "C" Commercial

The City Manager submitted figures on seven paving projects in which there was not 100% participation, and in which he wanted authority to take up part of it. The seven units in question were as follows:

UNIT 11 - East 45th Street	Property Owner Participation	\$ 4,684.99	
	Exceptions		None
UNIT 35 - East 47th Street	Property Owner Participation	3,328.71	
	Exceptions		\$320.80
UNIT 12 - East 42nd St.	Property Owner Participation	2,857.80	
	Exceptions		478.00
UNIT 14 - Edgewood Avenue	Property Owner Participation	15,081.52	
	Exceptions		282.50
UNIT 34 - Cherrywood Road	Property Owner Participation	5,982.07	
	Exceptions		None
UNIT 31 - Salina Street	Property Owner Participation	2,903.92	
	Exceptions		None
UNIT 30.-Chicon Street	Property Owner Participation	14,177.75	
	Exceptions		468.16

This indicates that on these seven units totalling \$48,980.77 Property Owner Participation and \$1,549.46 Exceptions, that 3.2% will not participate.

The following units had a higher percentage of hold-outs:

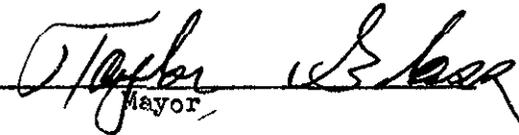
UNIT 9 - West 45th Street	Property Owner Participation	\$ 9,601.67	
	Exceptions (7 owners)		\$5,114.59

UNIT 10 - West 45th Street		
Property Owner Participation	\$3,840.71	
Exceptions (2 Owners)		\$1,646.26
UNIT 29 - East 12th Street		
Property Owner Participation	26,931.33	
Exceptions (7 owners)		2,835.98

The City Manager stated the Council had authorized taking up these paving certificates up to five percent, and the part of this that he would recommend would be $5\frac{1}{2}\%$. With regard to 45th Street, Mayor Glass asked that Mr. Togie Baylor and the Gulf Oil Company on 45th and Duval be contacted, as he believed they would consent to straightening the jog in 45th Street without any cost to the City. The City Manager asked that the Council authorize taking up this additional one-half of one percent, to which the Council agreed unanimously.

There being no further business, the Council adjourned subject to the call of the Mayor. The time of adjournment was 1:30 P.M.

APPROVED


Mayor

ATTEST:


City Clerk